

**ZB# 04-36**

**Delta Gamma Corp.**

**63-3-2.3**

ZBA #04-36 DELTA GAMMA CORP.  
(AREA) 308 ELM DR. (63-3-2.3)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
Granted 6-28-04

David Neumann 406-1731

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEWYORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE: April 27, 2004**

**APPLICANT: Catherine Anderson  
323 Sycamore Dr.  
New Windsor, NY 12553**

**COPY**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: April 22, 2004**

**FOR : Catherine Anderson**

**LOCATED AT: 308 Elm Drive**

**ZONE: R-4 Sec/Blk/ Lot: 63-3-2.3**

**DESCRIPTION OF EXISTING SITE: 308 Elm Dr. SBL 63-3-2.3**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

**1. This lot is located on a paper road (Elm Drive). They will need a right of way for ingress and egress from the town of New Windsor.**

  
**BUILDING INSPECTOR**

ZONE: R4      USE: A-6      PERMITTED      PROPOSED OR      VARIANCE

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:      70 FT      0 FT      70 FT

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

*5/13/04 Sent Applic.*

**APPROVED**

**04-36**

Mike

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

APR 22 2004

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2004-0551

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises DELTA GAMMA CORP.

Address 1 CALVERT DR MONSEY NY 10952 Phone # 845 406 1731

Mailing Address SAME Fax # 845 352 1327

Name of Architect EUSTANCE & MOROWITZ P.C.

Address P.O. BOX 42 CIRCLEVILLE NY 10919 Phone 845-361-4541

Name of Contractor DELTA GAMMA CORP.

Address

SAME

Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

OWNER/BUILDER

If applicant is a corporation, signature of duly authorized officer.

L. J. N. N. PRESIDENT

(Name and title of corporate officer)

1. On what street is property located? On the N side of ELM DR.  
(N, S, E or W)  
and 200' feet from the intersection of CHSTNUT & ELM
2. Zone or use district in which premises are situated R-4 Is property a flood zone? Y N ✓
3. Tax Map Description: Section 63 Block 3 Lot 2.3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy VACANT LAND b. Intended use and occupancy SINGLE FAMILY HOME
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front T.B.D. Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor \_\_\_\_\_
- Number of bedrooms T.B.D. Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost

T.B.D.

Fees

\$50.00

CR # 2507  
at 4/22/07

ZONING BOARD

PAID

\_\_\_\_\_  
date

60  
**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

**Building Inspector: Michael L. Babcock**  
**Asst. Inspectors: Frank Lisi & Louis Krychear**  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*Samuel Mann by Delta Gamma Corp.*  
(Signature of Applicant)

*1 Calvert Dr Mousley NY 10952*  
(Address of Applicant)

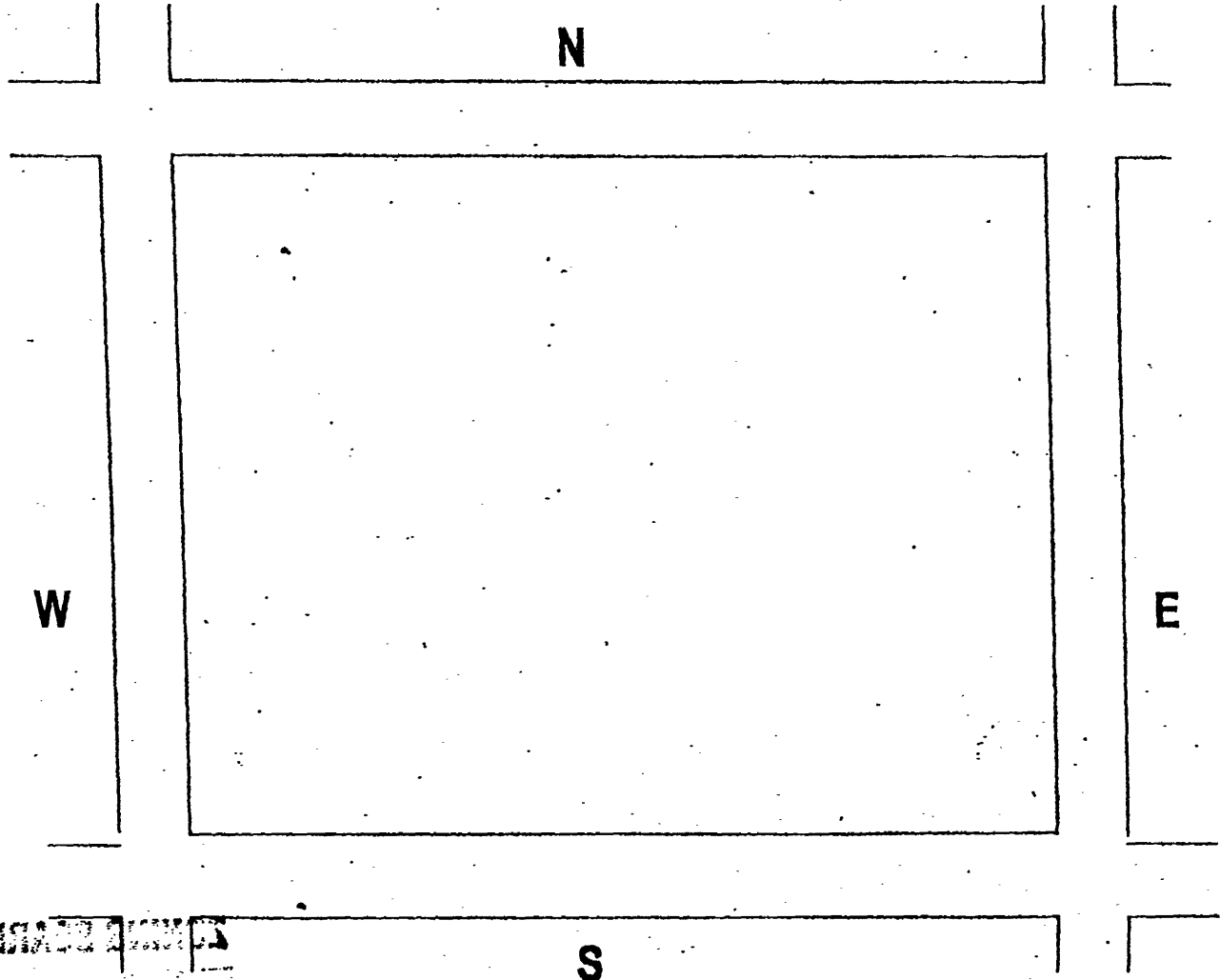


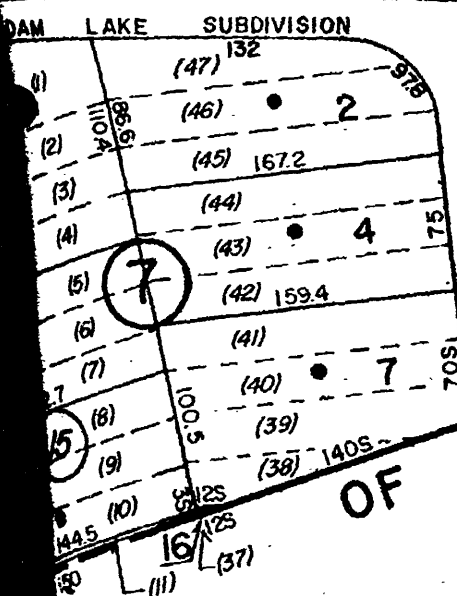
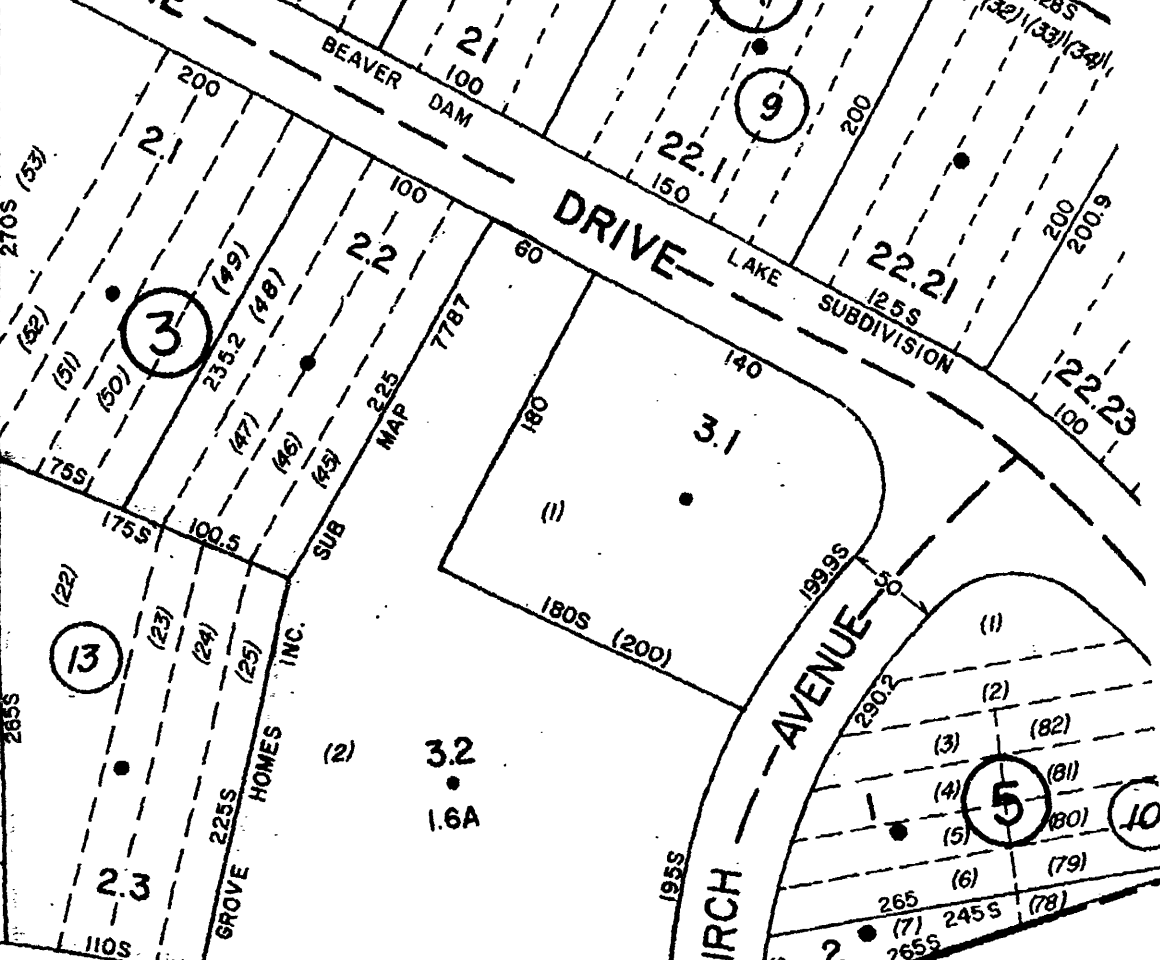
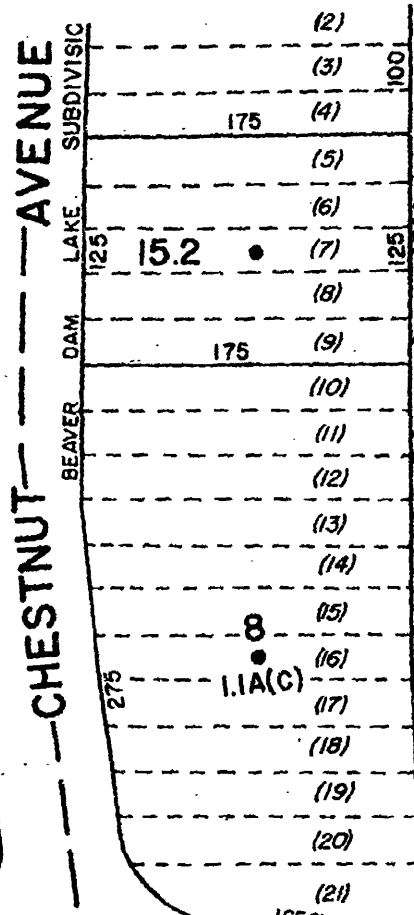
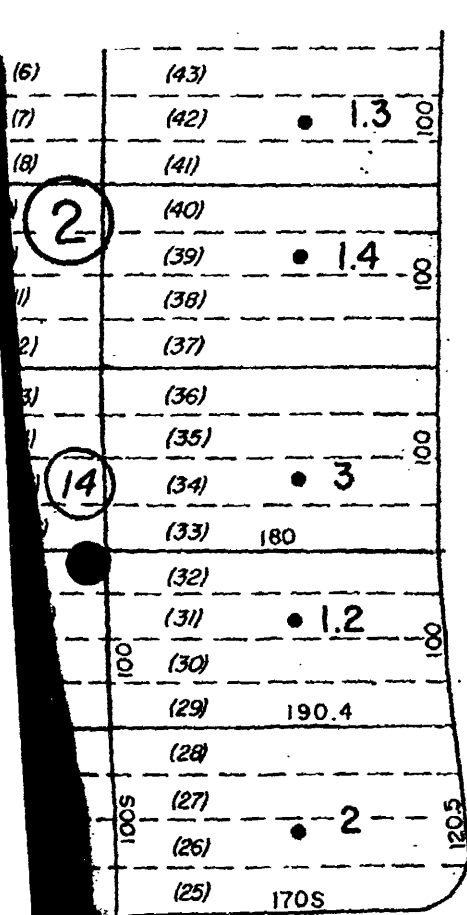
PLOT PLAN

(C. 1 - A. 1)

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.







# **Town of New Windsor**

**555 Union Avenue**  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## **OFFICE OF THE ZONING BOARD OF APPEALS**

September 14, 2004

Delta Gamma Corp. (David Neumann)  
1 Calvert Drive  
Monsey, NY 10952

**SUBJECT: REQUEST FOR VARIANCE #04-36 (ANDERSON)**

Dear Sir:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 63-3-2.3

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**DELTA GAMMA CORP. (FOR CATHERINE ANDERSON)**

**AREA**

CASE #04-36

**WHEREAS, Mr. Lou Powell, Engineer and representative of Catherine Anderson ,** owner(s) of 323 Sycamore Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 70 ft. Road Frontage for a building lot (Use A-6) at 308 Elm Drive in an R-4 Zone (63-3-2.3)

**WHEREAS,** a public hearing was held on June 28, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS,** the Applicant appeared on behalf of this Application; and

**WHEREAS,** there were two spectators appearing at the public hearing; and

**WHEREAS,** two persons spoke in opposition to the Application; and

**WHEREAS,** a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS,** the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties on which the erection of a single-family home is proposed.
  - (b) The lot is adequate to meet all zoning requirements for the construction of a single family homes with the exception of the road frontage because this property is removed from the roadway.

(c) In construction of the house, some trees will be removed but, no substantial or valuable vegetation.

(d) The single-family home proposed to be erected is similar in size and appearance to the other homes in the neighborhood. The lot meets all other zoning requirements because an existing lot enjoys "Grandfather Status".

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

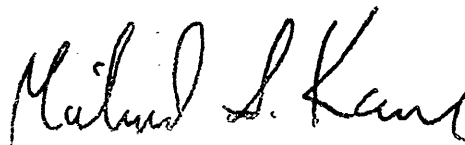
**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 70 ft. Road Frontage for a building lot (Use A-6) at 308 Elm Drive in an R-4 Zone (63-3-2.3) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 28, 2004

A handwritten signature in cursive script, reading "Michael S. Kaur". The signature is written in dark ink and is positioned above a horizontal line.

Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 08-09-04**  
**SUBJECT: ESCROW REFUND 04-36**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 125.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-36**

**NAME & ADDRESS:**

**Delta Gamma Corp. (David Neumann)  
1 Calvert Drive  
Monsey, NY 10952**

**THANK YOU,**

**MYRA**

**L.R.08-09-04**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-36      TYPE: AREA

APPLICANT Name & Address:

**Delta Gamma Corp. (David Neumann)**  
**1 Calvert Drive**  
**Monsey, NY 10952**

TELEPHONE:    406-1731

RESIDENTIAL:	\$ 50.00	CHECK # <u>2515</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00            CHECK # 2514

~~~~~

| <u>DISBURSEMENTS:</u>        |                 | MINUTES<br><u>\$5.50 / PAGE</u> | ATTORNEY<br><u>FEE</u> |
|------------------------------|-----------------|---------------------------------|------------------------|
| PRELIMINARY:                 | <u>4</u> PAGES  | \$ <u>22.00</u>                 | \$ <u>35.00</u>        |
| 2 <sup>ND</sup> PRELIMINARY: | ___ PAGES       | \$ _____                        | \$ _____               |
| PUBLIC HEARING:              | <u>15</u> PAGES | \$ <u>82.50</u>                 | \$ <u>35.00</u>        |
| PUBLIC HEARING:              | ___ PAGES       | \$ _____                        | \$ _____               |

TOTAL:            \$ 104.50            \$ 70.00

~~~~~

ESCROW POSTED:            \$ 300.00  
LESS: DISBURSEMENTS:    \$ 174.50

AMOUNT DUE:            \$ \_\_\_\_\_

REFUND DUE:            \$ 125.50

Cc:

L.R. 08-09-04





# TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE  
555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4611  
Fax: (845) 563-4670

## REQUEST FOR PUBLIC RECORDS

Date: 8/24/04  
Name: Dennis Barr  
Address: 1227 Union Ave  
Newburgh, N.Y. 12550  
Phone: (845) 567-1313  
Representing: C21 Anarumo-ZOAR Realty

**Please specify:**

- Property location (street address or section, block and lot number)
- Department you are requesting records from
- Describe information requested as fully as possible

ZBA minutes for lot on Elm Drive  
re: easement and approval

Pd \$3.75  
Copies

Receipt #875-2001

**Documents may not be taken from this office.**



DELTA GAMMA CORP. (FOR CATHERINE ANDERSON) (04-36)

MR. KANE: Request for 70 ft. road frontage for a building lot at 308 Elm Drive.

Mr. Lou Powell appeared before the board for this proposal.

MR. KANE: I'm assuming that you're here for this meeting? Okay, sir?

MR. POWELL: Lou Powell from Eustance and Horowitz, we're engineers for Delta Gamma Corporation who is the applicant and the owner is Catherine Anderson Rose. This is a grandfathered lot which is landlocked on a paper street known as Elm Drive, it's 308 Elm Drive. And we're requesting a variance. There's no legal front yard. The owner has contacted the Town and has a commitment to buy an easement over Elm Drive as access to that lot. The house would meet all setback requirements for the zone.

MR. MINUTA: Just to clarify, this is for a house, proposed house?

MR. KANE: Yes.

MR. KANE: Single-family house?

MR. POWELL: Yes, single family, Town sewer and well.

MR. KANE: Cutting down any trees or substantial vegetation in the building of this?

MR. POWELL: Well, there will be some trees cut down for the placement of the house, yes. Elm Drive is pretty much clear because they put the sewer up to it, that's brush.

MR. KANE: Create any water hazards or runoffs with the

building of it?

MR. POWELL: No.

MR. KANE: Size of the house is similar to other homes that are in the neighborhood, size and appearance?

MR. POWELL: I would say so.

MR. REIS: Do you have the square footage of the house?

MR. POWELL: No, what's shown here is like a 64 X 42 but the house is actually going to be smaller and it shows a big box, there will probably be jogs, I have no idea what size house he's proposing there.

MR. REIS: Mr. Chairman, just--

MR. MINUTA: Just a clarification, I'm coming in on this a little late, the request for 70 foot road frontage for the building lot, is that the only request here based on the bulk table that I'm seeing?

MR. BABCOCK: Yes.

MR. POWELL: That's a grandfathered lot.

MR. MINUTA: Thank you, okay.

MR. POWELL: At the last meeting, the chairman suggested we might want to do something with the square footage cause it was grandfathered to take care of that but it is a grandfathered lot.

MR. MINUTA: Thank you.

MR. POWELL: Which I believe grandfather runs off in September if they don't do something.

MR. BABCOCK: October 3rd.

MR. REIS: Mike, does this meet the minimum requirements for today's zoning?

MR. BABCOCK: Yes, it's 26,374 square feet.

MR. KANE: Okay, at this point, what we'll do is open it up to the public and hear what they have to say. I will ask you to stand up please, state your name clearly and ask whatever questions you have or whatever statements you need to make one at a time, please. Ma'am?

MS. COCOZZA: Emily Cocozza and I live on Chestnut Avenue, my property is right next to Elm Drive and the view from my kitchen, my husband's bedroom is Elm Drive, beautiful trees, I'm very much an environmentalist, I don't know what's going on, is that drive or is that house going to be built in there?

MR. KANE: They want to build a house on that property back there.

MS. COCOZZA: On the paper street?

MR. KANE: Yes.

MR. POWELL: It's off the paper street, it's an existing lot but they did use the paper street for a driveway.

MS. COCOZZA: What is it you're saying?

MR. POWELL: It's an existing grandfathered lot but they would use the existing paper street for access.

MS. COCOZZA: Or access and where would the house be? This is my property, all right, I have an acre and a quarter, this is the separate half acre lot next to my garage, I bought it as one piece but the previous owner

couldn't sell the house and she divided and I have a separate survey on that, that's a half an acre, okay, this is my house, here's my garage.

MR. POWELL: It's this lot back here, this is your house and your garage.

MRS. COCOZZA: Mrs. Carter was over here, where are you in relation to Mrs. Carter?

MR. POWELL: That's the lot now formally Anderson is this lot.

MS. COCOZZA: Where was Mrs. Carter?

MR. POWELL: I don't know where Mrs. Carter is, I think she's behind that lot, there's a Carter which is a lot behind this lot.

MRS. COCOZZA: So what I see here that that wasn't very clear on that paper they want a drive here to over here, is that it, behind my garage where the well is?

MR. POWELL: Look right here, here's the proposed driveway.

MS. COCOZZA: This is my house.

MR. POWELL: That's the proposed driveway and this is the proposed house location.

MS. COCOZZA: And that would be more or less behind Mrs. Carter's property or near it?

MR. POWELL: This is Carter's house, it's between.

MRS. COCOZZA: So show me on here here it would be.

MR. POWELL: Well, the house is here, this is the lots.

MS. COCOZZA: House would be over here, it wouldn't be behind my garage then, right?

MR. POWELL: No.

MS. COCOZZA: I wondered what was going on behind my garage that they removed the stakes and put new stakes up 20 or 25 feet from my property line.

MR. KANE: Nothing to do with this application, ma'am.

MS. COCOZZA: Well, all I can say I don't understand why a paper street that belongs to the Town why the Town would allow this.

MR. KANE: Because they have a landlocked piece of parcel that's been grandfathered in and they're allowed to build and they're allowed to get access to it, so the Town is allowing them access to the property that they own.

MS. COCOZZA: They're not keeping it to preserve a little bit of remaining land.

MR. KANE: People have a right to build on property.

MS. COCOZZA: If the Town approves it, the Town has to approve it.

MR. KANE: Ah-huh.

MS. COCOZZA: Well, what worries me is this past winter when I can see what's going on over there two boys on some sort of vehicle like an all-wheel terrain went into that property, knocked down whatever trees they could with this motor bike or whatever it was they had, pulled all small trees up by the roots and from that time I have had people parking in there, walking in there and I don't understand why.

MR. KANE: Ma'am, none of this has anything to do with the house being built on that lot.

MS. COCOZZA: This will be a private drive that people couldn't go up?

MR. KANE: Ah-huh.

MR. POWELL: It will look just like a driveway to somebody's house.

MS. COCOZZA: Would I be able to see this other house or not?

MR. POWELL: Probably yes.

MS. COCOZZA: I know when I go on Sycamore and I go opposite Elm Drive it's all water there, it looks like a big pond.

MR. POWELL: It's over there someplace, that's down below that, that's not that lot.

MS. COCOZZA: Well, all right, it's quite close to my house, however, and, you know, I'm very concerned about wells, \$11,000 for a well that I had to put over here about three years ago, five of my neighbors across the street within one week all lost their water, okay, all of them had wells dug out. I had to have a new one. That's my main concern, plus I'm an environmentalist and it's a haven for animals also when you cut down trees, you have erosion of soil, that's another problem, plus trees also bring oxygen and I have, you know, I'm very, I'm very fond of animals and wildlife and birds, I've written two stories in the national libraries about animals, I have three more I haven't been able to finish, so I have environmental concerns about that too. But mainly the water is the big problem that they're allowing wells, I understand that once the water comes through for people that people



then have the choice of keeping their well or using the public water that may be a different story if this is a complete half acre of land or what.

MR. KANE: 26.

MR. POWELL: A little bigger than a half acre.

MS. COCOZZA: Well, my main concern of environmental is close to me but the well is a big worry and I doubt if the people across the street are even aware that this would be something close like that.

MR. KANE: Everybody in 500 feet has been mailed, ma'am, just like you.

MS. COCOZZA: They have but it's not very clear, it says Elm Drive and most of them don't even know it's Elm Drive, I know because I have the survey.

MR. KANE: Okay, ma'am, thank you.

MS. COCOZZA: Thank you.

MR. KANE: Next?

MS. KOTITE: Hello, my name is Kotite and I live right around the corner from this property and I'm interested in asking a couple questions, you know, the dimensions of the property?

MR. POWELL: 263 and 153 across the back and 225 and 100 across the front.

MS. KOTITE: If those are the dimensions, why are they asking for a 70 foot?

MR. KANE: Because they don't have road frontage.

MR. POWELL: This is a paper street.

MR. KRIEGER: Doesn't have to do with the dimensions, it's a separate requirement of the zoning law, they must have so much.

MR. KANE: This is Chestnut, that's where they want the 70 so they have to get in the front. This is the property right here, so the driveway will be right in here and this is a hundred feet going across, they need a 70 foot variance because technically that's not road frontage.

MS. KOTITE: How large is the house going to be?

MR. KANE: We don't have the exact dimensions on that but if they did a 64 X 42 house, let's put it that way, they don't need any other variances to put that size house in there and that's a pretty big size, right now we don't have the dimensions on that nor is that a requirement for us at this point.

MS. KOTITE: Do you know how high the house will be?

MR. BABCOCK: Maximum 35 feet.

MR. KANE: Two story basically.

MS. KOTITE: The reason I'm asking these questions is because I'm on the other side of Elm, I'm over here and when this gentleman said that Elm is clear, that's untrue, if you pass by Elm in a car, you can't even identify Elm because it's all woods, it's all trees so when you ask everyone if there will be substantial cutting of trees and vegetation, the answer is definitely yes, this will all have to be cleared out so that the trucks can get in and out.

MR. POWELL: There's only brush up where they put the sewer which would have to be cleared for the driveway.

MS. KOTITE: Once they cut all the trees and all this vegetation, this is going to be their driveway, they're going to have to enter through Chester, they need this as an easement to get into the driveway, correct, so this is all going to be cleared which it is not right now so we, when he said won't be cutting down major vegetation, that's not true, you'll be cutting down big trees, lots of vegetation, this will change the entire character of the property. I also wanted to ask style of the house, do we know what kind of a style it will be?

MR. KANE: No.

MS. KOTITE: This seems to me, I know that the zoning rules are changing in the fall, this seems to me to be like sort of a last minute effort to wedge a house into a property that's--

MR. KANE: They have a right to build and they have till September to do it for three years, you can't take away people's rights.

MS. KOTITE: I understand.

MR. KANE: After the zone changes when they change in September whatever it is, the same people still have three years after that to make these changes.

MS. KOTITE: I'm not disputing their right to build a house, what I am concerned about is that the house is a house that conforms to the other houses in the area because I know that that house on Sycamore that was turned down that the gentleman is reapplying for that house was turned down because it was such a huge house and didn't conform.

MR. KANE: Understandable but you're comparing apples and oranges, they can put a house with no variances, the other house needed variances.

MS. KOTITE: Aren't they applying?

MR. KANE: Just for road frontage, nothing to do with the size of the house, nothing to do with the house itself, they can put a plastic castle there if they wanted to as long as it was under 35 feet high and kept the side and the back yard type thing, that's the kind of stuff we can't control to a degree.

MS. KOTITE: I feel that our concerns, Mrs. Coccozza and my family is that we don't want to see an excessively large house that's going to affect our wells. She spent 11,000, I spent 5,000 to re-dig our wells because of all the construction in the area. I don't think this is going to help our situation and we don't want to have to have future expenses. Couldn't the builder put up a bond so if they do affect our water that we can hold them accountable?

MR. KANE: No, it's not up to us to ask that at all.

MS. KOTITE: Who's it up to?

MR. KRIEGER: No, they cannot be legally required to do that.

MS. KOTITE: If they affect our water, it's too bad for us? Because it happened once, we hope it doesn't happen again, it's a huge expense.

MR. KANE: Yes, it is.

MS. KOTITE: Well, if you're saying that the house is 64 X 42.

MR. KANE: We don't know that, that's a maximum size they're giving us right now.

MS. KOTITE: And since it says on the paper 308 Elm

Drive is the address does that necessarily mean the house will face Elm Drive the entrance?

MR. KANE: Yes, it's going to face Elm Drive.

MR. POWELL: Yes, they would come up the driveway and go into the house.

MS. KOTITE: Can you tell me what the present code is for side setbacks and frontage like how far off Elm will the house be, how far back?

MR. BABCOCK: Forty-five minimum frontage.

MS. KOTITE: How about the left and the right?

MR. BABCOCK: Twenty on one side, 20 on the other.

MS. KOTITE: Those are your minimums?

MR. BABCOCK: Yes.

MS. KOTITE: In the back it's big.

MR. BABCOCK: Minimum is 35 feet.

MR. KANE: They've got, they're not even going to touch that.

MS. KOTITE: I heard this gentleman also say that he wanted to buy the paper road or buy an easement.

MR. POWELL: They have to acquire an easement from the Town over Elm Road to do this.

MS. KOTITE: Does that mean they'll been purchasing Elm Road?

MR. KANE: No, belongs to the Town.

MR. KRIEGER: An easement is a right to use somebody else's property, what you purchase is the right, not the property.

MS. KOTITE: Do you happen to know if that's the last landlocked piece of property?

MR. KANE: I have no idea.

MS. KOTITE: I'd love to see the big map so I can see where my house is, I'll go to Goshen so I really wanted to ask a lot of questions but I have to agree with my neighbor, I think it's going to environmentally impact us in a negative way, unfortunately, like you said, can't take the right away from people to build on their own property. I just hope they have the decency to conform a little bit to the proportions of the other homes nearby.

MR. POWELL: I have no control over that.

MS. KOTITE: Let's hope that it really doesn't have too much of a negative impact.

MR. POWELL: I don't think it will.

MS. KOTITE: You don't live right there. I think that's it. Thank you.

MR. KANE: You're welcome. Next? Anybody else want to speak? At this point, I'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On the 11th of June, I mailed out 43 envelopes and I had no responses.

MR. KANE: If this is approved through here, do they have to go in front of the planning board?

MR. BABCOCK: No, actually straight to me and they

still have to finish up their negotiation with the easement with the Town attorney before they would receive a building permit.

MR. KANE: So the regular building, the house that gets built on the lot that's under the building department's approval?

MR. BABCOCK: That's correct.

MR. KANE: Unless there's some kind of special needs.

MR. BABCOCK: That's correct.

MR. MINUTA: Is there a requirement of the type of road that needs to be put in on the paper road for the driveway?

MR. BABCOCK: I'm sure that's going to be a discussion, right now, well, they did put a sewer line down that several years ago, I'm sure there's going to be a amount of gravel, certain amount of gravel and certain width for a driveway and that will be all spelled out in the easement.

MR. POWELL: The market value of that easement is \$10,300, that was as of November 13, 2003. I don't know if it's gone up since then or not.

MR. KANE: When I asked if anybody had anything else to say, the public portion was closed. You just don't interrupt the meeting. That's why I asked if anybody else had any other questions. Okay, I'll let you speak in the interest of the hearing, what do you have to say. Please state your name and your address.

MR. MC DONALD: I can ask off the record, I'm just curious.

MR. KANE: No, we like everything on the record.

MR. MC DONALD: Kevin McDonald. I wrote my name. The Elm Drive, is it going to be a single lane driveway or going to be a cul-de-sac? What are they proposing for that?

MR. BABCOCK: Single lane driveway..

MR. POWELL: Up to the house.

MR. MC DONALD: Just gravel, okay.

MR. KANE: They haven't gotten to the specifics down on that, I mean, that deal hasn't been done yet.

MR. MC DONALD: I can't imagine a road.

MR. KANE: Yeah, it's as Michael said, the building inspector, it's going to be a single lane driveway so I'm sure he knows more than the rest of us.

MR. POWELL: The owner is not going to put a road up there.

MR. MC DONALD: That makes no sense, okay, thank you.

MR. KANE: Okay.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: Mr. Chairman, I make a motion that we grant Delta Gamma Corp their requested 70 foot road frontage for the building on 308 Elm Drive in an R-4 zone.

MR. MC DONALD: Second it.

ROLL CALL



June 28, 2004

61

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. MINUTA	AYE

TOWN OF NEW WINDSOR ZONING BOARD  
PUBLIC HEARING FOR:

Delta Gamma Corp. (Catherine Anderson)

DATE: June 28, 2004

SIGN-IN SHEET

NAME

ADDRESS

1. Colozza
2. Erin G. Colozza 314 Chestnut Ave N.W.
3. \_\_\_\_\_
4. A. Kotite 102 CHERRY DRIVE, New Windsor
5. Kevin MacDonald P.O. Box 258 Salisbury Mills
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_

PRELIMINARY MEETINGS:

DELTA GAMMA CORP. (FOR CATHERINE ANDERSON) (04-36)

MR. KANE: Request for 70 foot road frontage for a building lot at 308 Elm Drive. Come up, tell us what you want to do. Please speak loudly enough so that the young lady over here can hear you.

MR. POWELL: I'm Lou Powell from Eustance and Horowitz. We're engineers for Delta Gamma, which is the applicant. The owner is Catherine Anderson Rose. It's a grandfathered lot on a paper street known as Elm Drive, I think it's 308 Elm Drive and it has no legal street frontage. They have been in contact with the Town, the Town owns Elm Drive, they have been in contact with the Town to acquire an easement for access for a driveway. Apparently, they have come to some understanding of a price, I don't know if that's transpired or not but if they get the variance they'll also get that easement. The house is big enough that the proposed house would meet all setback requirements, so the only question is the legal street frontage of 70 feet.

MR. KANE: Looking at the lot width, Mike, is that what we're talking about here?

MR. BABCOCK: Actually, since there's no road, actually no road in front of this property, no built road so therefore we're saying it has no road frontage and they have come to the Town to make an agreement with the Town to have an easement off Elm Drive with a driveway and the Town has told them that they're going to have to get this variance, they're going to have to purchase the easement agreement.

MR. KANE: So it's just for the road frontage?

MR. BABCOCK: Right.

MR. KANE: Looking at the drawing, his proposed and required on lot width looks a little different, does that need to be squared away here?

MR. POWELL: It's a grandfathered lot, so I don't know if it does or not.

MR. KANE: Even if it is grandfathered, we can get the paperwork so the homeowner doesn't have a problem later on with the banks, so if they see something, we can get it on record that it is grandfathered in, that's the right thing to do, clear it up as long as they're in here.

MR. BABCOCK: You're correct.

MR. POWELL: The lot width is 125 and it's only 108.

MR. KANE: This way everything's clean on the lot and the homeowner doesn't have to run into anything, makes sense.

MR. POWELL: Makes sense.

MR. KANE: So for the application, you want to add?

MR. BABCOCK: Seventeen foot lot width.

MR. KANE: Should we, we should just put that in as a variance, even though it's grandfathered in but we'll give it since it's grandfathered in and handle it that way.

MR. BABCOCK: Yes.

MR. KANE: Did you follow that Mike, Steve?

MR. RIVERA: Yes.

MR. REIS: Yes.

MR. KANE: Obviously, you're going to be cutting down a few trees and some shrubbery, anything substantial in the building of this house?

MR. POWELL: No, the lot is wooded so--

MR. KANE: But you feel that with cutting down what you've got to cut down you're not going to substantially change the character of the neighborhood?

MR. POWELL: No.

MR. KANE: Create any water hazards or runoffs--

MR. POWELL: No.

MR. KANE: --in the building of it that you know of at this point?

MR. POWELL: No.

MR. REIS: Excuse me, Mr. Chairman, Mike, just a point of information, lot area required is one acre?

MR. BABCOCK: No, that's today's requirements.

MR. REIS: And they have 26,300 for the same reason we should incorporate that into the variance?

MR. BABCOCK: Well, that's an issue, right now, today's zoning which will come into effect October 4 of 2004 that's the three year grace period for this lot so at today's zoning it's 21,790.

MR. KANE: So he's actually over.

MR. BABCOCK: Yeah.

MR. KANE: So we won't need to do anything on that?

MR. BABCOCK: No.

MR. REIS: Thank you.

MR. KANE: Gentlemen, do you have any other questions?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will, Steve.

MR. RIVERA: Make a motion that we set up Delta Gamma Corporation for Catherine Anderson requested 70 foot road frontage for a building lot at 308 Elm Drive.

MR. KANE: Can we amend that to say 70 foot road frontage plus 17 foot lot width?

MR. RIVERA: Yes.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

DELTA GAMMA CORP. (for Catherine Anderson)

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#04-36

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 11th day of **June, 2004**, I compared the 43 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

11<sup>th</sup> day of June, 2004

J. J. Mead (Gallagher)  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

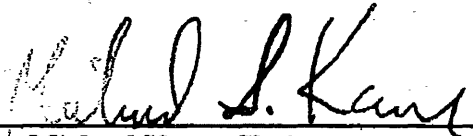
**Appeal No. 04-36**

**Request of DELTA GAMMA CORP. (for Catherine Anderson)**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 70 ft. Road Frontage for a building lot (Use A-6) at 308 Elm Drive in an R-4 Zone (63-3-2.3)**

**PUBLIC HEARING will take place on JUNE 28, 2004**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

  
\_\_\_\_\_  
**Michael Kane, Chairman**





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

Delta Gamma Corp.  
1 Calvert Drive  
Monsey, NY 10952

Re: 63-3-2.3

ZBA# 04-36

Dear Mr. Neumann:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

43

57-1-39.18

James & Debra Quartuccio  
340 Chestnut Avenue  
New Windsor, NY 12553

57-1-111.3

Robert, Kimberly &  
Joseph Mauro  
30 Rick Drive  
New Windsor, NY 12553

57-1-111.4

Albert & Athena Nasta  
22 Rick Drive  
New Windsor, NY 12553

63-2-1.11

Ernest & Diane Saporito  
332 Hickory Avenue  
New Windsor, NY 12553

Ruth Hedenkamp

333 Chestnut Avenue  
New Windsor, NY 12553

63-2-1.2

Jim & Theresa Eggers  
317 Chestnut Avenue  
New Windsor, NY 12553

63-2-1.3

Gerald & Mary Louise Corbett  
329 Chestnut Avenue  
New Windsor, NY 12553

63-2-1.4

Margaret DeSimone  
325 Chestnut Avenue  
New Windsor, NY 12553

63-2-1.5

Raymond & Nancy Makofske  
328 Hickory Avenue  
New Windsor, NY 12553

63-2-1.6

John & Maureen Albarino  
326 Hickory Avenue  
New Windsor, NY 12553

63-2-1.7

James Loniak & Luanne Paton  
314 Hickory Avenue  
New Windsor, NY 12553

63-2-1.8

Leroy & Genevieve Loughlin  
324 Hickory Avenue  
New Windsor, NY 12553

63-2-2

Pasquale & Frances Carbone  
313 Chestnut Avenue  
New Windsor, NY 12553

63-2-3

Michael & Dorene McCann  
321 Chestnut Avenue  
New Windsor, NY 12553

63-2-4

Keith & Sandra April Gise  
338 Hickory Avenue  
New Windsor, NY 12553

63-3-1

Richard & Gail Gorglione  
331 Sycamore Drive  
New Windsor, NY 12553

63-3-2.1

Catherine Anderson  
323 Sycamore Drive  
New Windsor, NY 12553

63-3-2.2

Vladimir, Aleksander &  
Oleg Zhukovskiy  
317 Sycamore Drive  
New Windsor, NY 12553

63-3-3.1

Vincent & Hope Stanzione  
311 Sycamore Drive  
New Windsor, NY 12553

63-3-3.2

Christopher & Joanne Carter  
315 Sycamore Drive  
New Windsor, NY 12553

63-3-8

Eugene & Emily Coccozza  
314 Chestnut Avenue  
New Windsor, NY 12553

63-3-15.2

William & Alison Brand  
324 Chestnut Avenue  
New Windsor, NY 12553

63-4-4 & 63-4-6

Audie & Milagros Soto  
350 Sycamore Drive  
New Windsor, NY 12553

63-4-9.2

John & Lena Taldone  
2069 Springridge Drive  
Las Vegas, NV 89134

63-4-16

Tamara Dreyer  
336 Sycamore Drive  
New Windsor, NY 12553

63-4-18

Robert & Joanne Natale  
332 Sycamore Drive  
New Windsor, NY 12553

63-4-21

Michael & Stacylyn Guida  
328 Sycamore Drive  
New Windsor, NY 12553

63-4-22.1

Salvatore & Joann Catania  
324 Sycamore Drive  
New Windsor, NY 12553

63-4-22.21

Jennifer Brosnan  
Donna Beyer  
318 Sycamore Drive  
New Windsor, NY 12553

63-4-22.22

Susan Quade  
310 Sycamore Drive  
New Windsor, NY 12553

63-4-22.23

Paul & Irene Dunne  
314 Sycamore Drive  
New Windsor, NY 12553

63-6-1.1, 63-6-1.2 & 63-6-2

Antionette Kotite  
400 East 52<sup>nd</sup> Street  
NY, NY 10022

63-7-4

Christopher & Lynn Sherwood  
305 Chestnut Avenue  
New Windsor, NY 12553

63-7-11

Jack, Charles & Joseph Jr.  
Mangiaracina  
c/o Carmela Magiaracina  
302 Hickory Avenue  
New Windsor, NY 12553

63-7-16

Sally & Edward Behrens  
121 Chestnut Avenue  
New Windsor, NY 12553

63-5-1

James & Julie Rose  
303 Sycamore Drive  
New Windsor, NY 12553

63-6-3

Rose Lobianco  
Antionette Kotite  
400 East 52<sup>nd</sup> Street  
NY, NY 10022

63-7-7

Stephen & Barbara Toth  
301 Chestnut Avenue  
New Windsor, NY 12553

63-7-12

Albert & Margaret Rosselli  
2 Pope Street  
Levittown, NY 11756

63-5-2

Michael & Deirdre Stack  
227 Sycamore Drive  
New Windsor, NY 12553

63-7-2

Michael & Christina Gabriele  
307 Chestnut Avenue  
New Windsor, NY 12553

63-7-10

Carol-Ann Indiveri  
23 Launcelot Lane  
Basking Ridge, NJ 07920

63-7-14

Christopher Savino  
Elizabeth Schwartz  
310 Hickory Avenue  
New Windsor, NY 12553





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

June 11, 2004

Delta Gamma Corp. (David Neumann)  
1 Calvert Drive  
Monsey, NY 10952

SUBJECT: REQUEST FOR VARIANCE #04-36

Dear Mr. Neumann:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

308 Elm Drive  
New Windsor, NY

is scheduled for the June 28, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 05-14-04

FOR: ESCROW #04-36

FROM: DELTA GAMMA CORP.

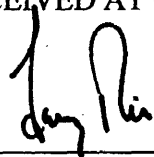
1 CALVERT DRIVE

MONSEY, NY 10952

CHECK NUMBER: 2514

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



5-18-04

NAME

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#481-2004**

05/18/2004

Delta Gamma Corp. *ZBA 04-36*

Received \$ 50.00 for Zoning Board Fees, on 05/18/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4630  
Fax: (845) 563-4692

## Attorney for the Town

May 8, 2003

Ms. Catherine Anderson-Rose  
232 Sycamore Drive  
Beaver Dam Lake  
New Windsor, NY 12553

Re: Elm Drive 63-3-2.3

Dear Ms. Anderson-Rose:

I met with the Building Inspector and the Chairman of the Planning Board.

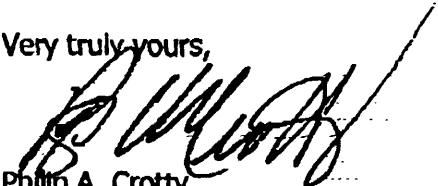
The Town of New Windsor may be willing to consider selling you a segment of Elm Drive which is a paper road. The segment would be wide enough for a driveway to Chestnut Avenue. The price will need to be established by the Town Assessor. It will be several thousand dollars, and the Town will reserve an easement for its sewer and water lines.

There are two problems:

1. You will have to obtain a variance from the Zoning Board of Appeals, since the lot has no street frontage.
2. You will need to order title insurance to be sure you can get insurable title to road segment, since all the Town of New Windsor has by way of ownership is the filed map indicating a paper road. Therefore, the Town could only convey by Quitclaim Deed.

I look forward to hearing from you or your attorney.

Very truly yours,

  
Philip A. Crotty  
Attorney for Town of New Windsor  
PAC:cmb

Cc: Jim Petro, Chairman Planning Board  
Mike Babcock, Building Inspector

04-36



**CATHERINE ANDERSON-ROSE**  
**323 Sycamore Drive**  
**New Windsor, New York 12553**

March 12, 2004

**Town of New Windsor**  
**Zoning Board of Appeals**  
**555 Union Avenue**  
**New Windsor, New York 12553**

**Re: Property of Catherine Anderson-Rose**  
**(formerly known as Catherine E. Anderson)**

**Street Address: 308 Elm Drive**  
**New Windsor, New York 12553**

**Tax Map Designation: 63-3-2.3**

**Gentlemen:**

Please be advised that I, as Seller, have entered into a Residential Contract of Sale, dated January 21, 2004, with Delta Gamma Corp., as Purchaser, to sell the above described property, which I currently own, to said Purchaser.

I hereby consent and agree that the said Purchaser, Delta Gamma Corp., as a Contract Vendee, may apply for a variance from the Town of New Windsor Zoning Board of Appeals for the use of an easement over Elm Drive as a right of way for ingress and egress to the above property, and/or for any other variances which the applicant and the ZBA may deem appropriate under the circumstances.

Thank you for your consideration of this matter.

Very truly yours,

*Catherine Anderson-Rose*

**Catherine Anderson-Rose**

**N280\N288A040.312-2**

TOTAL P.01

**04-36**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

May 14, 2004

Delta Gamma Corp. (David Neumann)  
1 Calvert Drive  
Monsey, NY 10952

SUBJECT: REQUEST FOR VARIANCE #04-36

Dear Mr. Neumann:

This letter is to inform you that you have been placed on the May 24<sup>th</sup>, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Property of Catherine Anderson  
308 Elm Drive  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

Cc: Catherine Anderson

04-36





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

5/6/04

Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: ( )  
CATHRINE ANDERSON-ROSE Fax Number: ( )  
(Name)

232 SYCAMORE DR. New Windsor NY 12553  
(Address)

II. **Applicant:** Phone Number: (845) 406 1731  
DELTA GAMMA CORP./DAVID NEUMANN Fax Number: (845) 352 1327  
(Name)

1 CALVERT DR MONSEY NY 10952  
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Fax Number: ( )  
(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 361 4541  
Fax Number: (845) 361 1045

EUSTANCE & HOROWITZ P.C.

(Name)

PO BOX 42 CIRCLEVILLE NY 10919

(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 308 ELM DRIVE

Lot Size: 26,374 SF Tax Map Number: Section 63 Block 3 Lot 2.3

a. What other zones lie within 500 feet?

b. Is pending sale or lease subject to ZBA approval of this Application? YES

c. When was property purchased by present owner?

d. Has property been subdivided previously? If so, When:

e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector?

f. Is there any outside storage at the property now or is any proposed?

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*	70 FT	0 FT	70 FT
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

*This is an existing undersized lot  
which is grandfathered.*

*Proposal meets all setback criteria, except for  
Street Frontage.*

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- \_\_\_\_\_
- \_\_\_\_\_

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00, (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00, (application fee)
- ☐ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

7<sup>th</sup> day of May 2004.

x Catherine Anderson-Race  
Owner's Signature (Notarized)

Owner's Name (Please Print)

[Signature]  
Signature and Stamp of Notary

DELTA GAMMA CORP. by David Nunn  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

ROBERT H. RUSTON  
Notary Public, State of New York  
No. 01RU4995971  
Qualified in Orange County  
Commission Expires May 04, 2006

COMPLETE THIS PAGE ☐

04-36

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

CATHERINE ANDERSON, deposes and says that he resides  
(OWNER)

at 323 Sycamore DR. NEW WINDSOR in the County of ORANGE  
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. 63 Block 3 Lot 2+3)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in

the foregoing application and that he authorizes:

DELTA GAMMA CORP. / DAVID NEUMANN / CALVERT DR MONSEY NY 10952  
(Applicant Name & Address, if different from owner)

EUSTANCE & HOROWITZ P.C. P.O. Box 42 CIRCLEVILLE NY 10919  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: May 7, 2004

\*\*  
X Catherine Anderson-Rose  
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:  
7<sup>th</sup> day of May 2004

David Neumann  
Applicant's Signature (If different than owner)

[Signature]  
Signature and Stamp of Notary

\_\_\_\_\_  
Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

ROBERT H. RUSTON  
Notary Public, State of New York  
No. 01RU4995971  
Qualified in Orange County  
Commission Expires May 04, 2006

\*\* PLEASE NOTE:  
**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE ☐

04-36





**TOWN OF NEW WINDSOR**  
555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)

5/24



**ZONING BOARD PROCEDURES**

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO  
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"



LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (*self-sealing envelopes are much appreciated*) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. ***YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.***

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted).***



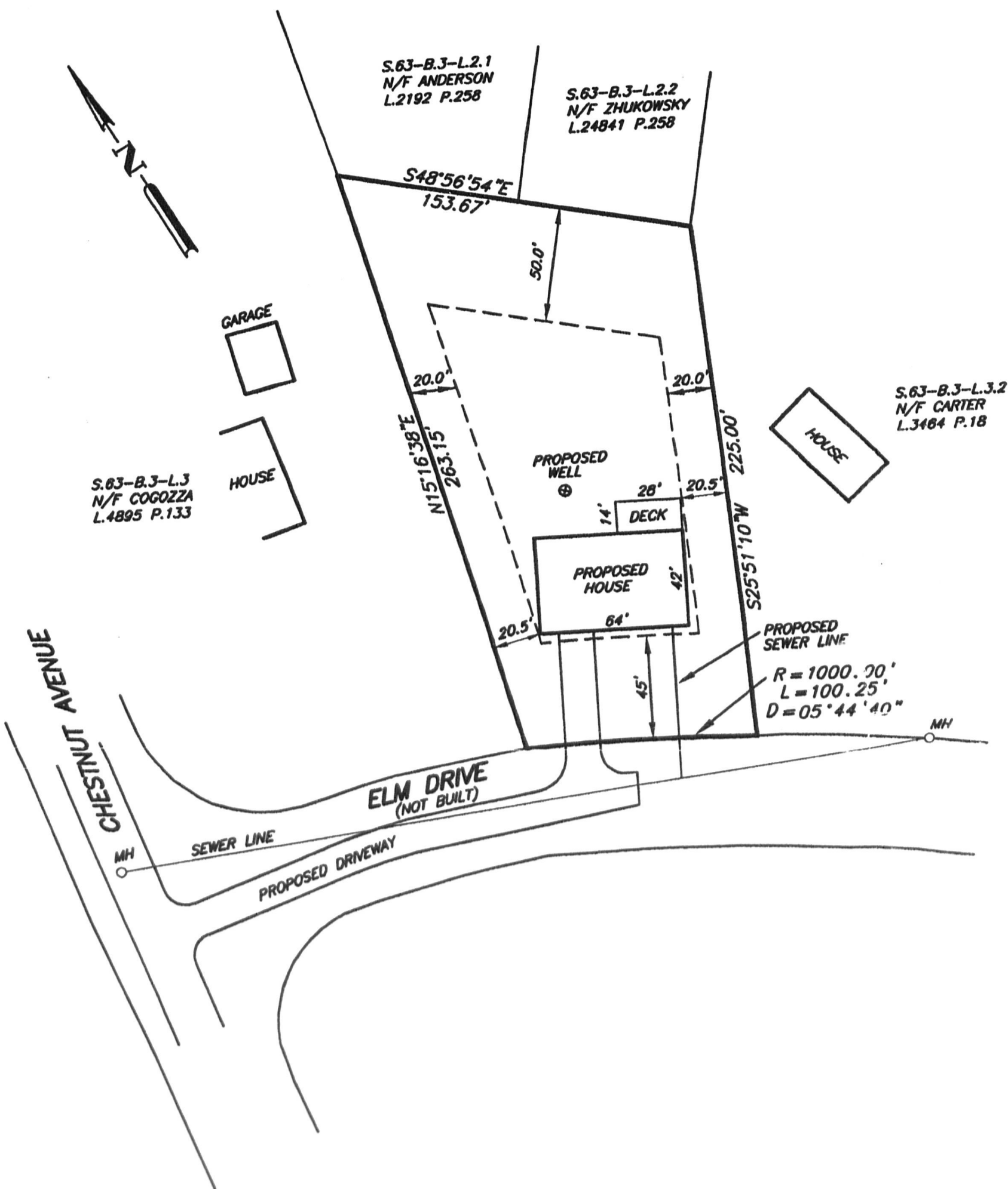
SIGNATURE

5/6/04

DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST – ONE MEETING PER MONTH ONLY)



LOT  
LOT  
FROM  
REAR  
SIDE  
MAXI

NOTION TO THIS PLAN BEARING A LICENSED  
ON OF SECTION 7209, SUB-DIVISION 2,  
ON LAW

OF THIS PLAN MARKED WITH AN ORIGINAL  
CONSIDERED TO BE VALID TRUE COPIES.



